

(3) not being a national of or ordinarily resident in Canada.

(Added Pub. L. 114-316, §2(a)(2), Dec. 16, 2016, 130 Stat. 1593.)

#### RULE OF CONSTRUCTION

Pub. L. 114-316, §2(c), Dec. 16, 2016, 130 Stat. 1594, provided that: “Nothing in this section [enacting this section] or the amendments made by this section shall be construed to infringe upon or otherwise affect the exercise of prosecutorial discretion by the Department of Justice in implementing this section and the amendments made by this section.”

### CHAPTER 213—LIMITATIONS

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#### AMENDMENTS

2010—Pub. L. 111-203, title X, §1079A(b)(2), July 21, 2010, 124 Stat. 2079, added item 3301.

2008—Pub. L. 110-340, §2(a)(3)(B), Oct. 3, 2008, 122 Stat. 3736, added item 3300.

2006—Pub. L. 109-248, title II, §211(2), July 27, 2006, 120 Stat. 616, added item 3299.

Pub. L. 109-162, title XI, §1182(b), Jan. 5, 2006, 119 Stat. 3126, added item 3298.

2004—Pub. L. 108-405, title II, §204(b), Oct. 30, 2004, 118 Stat. 2271, added item 3297.

2002—Pub. L. 107-273, div. B, title III, §3003(b), Nov. 2, 2002, 116 Stat. 1805, added item 3296.

1996—Pub. L. 104-132, title VII, §708(c)(2), Apr. 24, 1996, 110 Stat. 1297, added item 3295.

1994—Pub. L. 103-322, title XII, §120001(c), title XXXII, §320902(d)(2), title XXXIII, §330018(c), Sept. 13, 1994, 108 Stat. 2021, 2124, 2149, substituted “Child abuse offenses” for “Customs and slave trade violations” in item 3283 and added items 3286 and 3294.

1990—Pub. L. 101-647, title XII, §1207(b), Nov. 29, 1990, 104 Stat. 4832, struck out item 3286 “Seduction on vessel of United States”.

1989—Pub. L. 101-73, title IX, §961(j)(2), Aug. 9, 1989, 103 Stat. 501, added item 3293.

1988—Pub. L. 100-690, title VII, §7081(c), Nov. 18, 1988, 102 Stat. 4407, substituted “Indictments and information dismissed after period of limitations” for “Reindictment where defect found after period of limitations” in item 3288 and “Indictments and information

dismissed before period of limitations” for “Reindictment where defect found before period of limitations” in item 3289.

1984—Pub. L. 98-473, title II, §1218(b), Oct. 12, 1984, 98 Stat. 2167, added item 3292.

1951—Act June 30, 1951, ch. 194, §2, 65 Stat. 107, added item 3291.

### § 3281. Capital offenses

An indictment for any offense punishable by death may be found at any time without limitation.

(June 25, 1948, ch. 645, 62 Stat. 827; Pub. L. 103-322, title XXXIII, §330004(16), Sept. 13, 1994, 108 Stat. 2142.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§581a, 581b (Aug. 4, 1939, ch. 419, §§1, 2, 53 Stat. 1198).

Sections 581a and 581b of title 18, U.S.C., 1940 ed., were consolidated into this section without change of substance.

#### AMENDMENTS

1994—Pub. L. 103-322 struck out before period at end “except for offenses barred by the provisions of law existing on August 4, 1939”.

### § 3282. Offenses not capital

(a) IN GENERAL.—Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

(b) DNA PROFILE INDICTMENT.—

(1) IN GENERAL.—In any indictment for an offense under chapter 109A for which the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

(2) EXCEPTION.—Any indictment described under paragraph (1), which is found not later than 5 years after the offense under chapter 109A is committed, shall not be subject to—

(A) the limitations period described under subsection (a); and

(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

(3) DEFINED TERM.—For purposes of this subsection, the term “DNA profile” means a set of DNA identification characteristics.

(June 25, 1948, ch. 645, 62 Stat. 828; Sept. 1, 1954, ch. 1214, §12(a), formerly §10(a), 68 Stat. 1145; renumbered Pub. L. 87-299, §1, Sept. 26, 1961, 75 Stat. 648; Pub. L. 108-21, title VI, §610(a), Apr. 30, 2003, 117 Stat. 692.)

#### HISTORICAL AND REVISION NOTES

Based on section 746(g) of title 8, U.S.C., 1940 ed., Aliens and Nationality, and on title 18, U.S.C., 1940 ed., §582 (R.S. §1044; Apr. 13, 1876, ch. 56, 19 Stat. 32; Nov. 17, 1921, ch. 124, §1, 42 Stat. 220; Dec. 27, 1927, ch. 6, 45 Stat. 51; Oct. 14, 1940, ch. 876, title I, subchap. III, §346(g), 54 Stat. 1167).

Section 582 of title 18, U.S.C., 1940 ed., and section 746(g) of title 8, U.S.C., 1940 ed., Aliens and Nationality, were consolidated. “Except as otherwise expressly provided by law” was inserted to avoid enumeration of exceptive provisions.

<sup>1</sup>Section catchline amended by Pub. L. 108-21 without corresponding amendment of chapter analysis.

<sup>2</sup>So in original. Probably should be followed by a period.